

Decision \_\_\_\_\_

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of the Alameda Corridor – East Construction Authority (ACE) for an order authorizing elimination of an existing at-grade crossing through construction of a grade separated crossing (roadway underpass) at East End Avenue, under Union Pacific Railroad Company’s adjacent Los Angeles Subdivision and Alhambra Subdivision main lines, in the City of Pomona, County of Los Angeles.

Application 01-10-016  
(Filed October 18, 2001;  
Petition for Modification filed  
May 14, 2003)

**ORDER MODIFYING DECISION 02-05-041****Summary**

By Petition for Modification filed May 14, 2003, Alameda Corridor – East Construction Authority (ACE) requests authority to modify Decision (D.) 02-05-041, whereby the Commission granted authority to ACE to construct East End Avenue grade-separated highway-rail crossing under the tracks of Union Pacific Railroad Company’s (UP) Los Angeles Subdivision and Alhambra Subdivision main line and to close and physically remove the existing East End Avenue at-grade highway-rail crossings, in the City of Pomona (City), Los Angeles County.

**Discussion**

By D.02-05-041, dated May 16, 2002, in Application (A.) 01-10-016, the Commission granted ACE authority to construct East End Avenue grade-separated highway-rail crossing under the tracks of UP’s Los Angeles Subdivision and Alhambra Subdivision main line in Pomona, Los Angeles

County. Upon the completion of the grade-separated highway-rail crossing and its opening to vehicular traffic, ACE will close and physically remove the existing East End Avenue at-grade highway-rail crossings.

ACE filed the Petition for Modification of D.02-05-041 on May 14, 2003, to request the following:

- Substitute the plans on Page 2 of Appendix A of D.02-05-041 with the revised plans on the “General Plan” sheet attached to the Petition for Modification.
- Substitute the plans on Page 3 of Appendix A of D.02-05-041 with the revised plans on the “Typical Section” sheet attached to the Petition for Modification.

ACE stated that A.01-10-016 contained civil and structural engineering plans showing the types of grade-separated highway-rail underpass bridge structures for which ACE requested authority to construct under UP’s Los Angeles Subdivision and Alhambra Subdivision main line tracks. A.01-10-016 also contained engineering plans for railroad track, civil, structural, traffic and utility features associated with the construction of the underpass bridge structures.

D.02-05-041 included a three-page appendix (“Appendix A”), which showed the project location as well as elevation, plan and cross-sectional views of the underpass bridge structures ACE sought authority to construct. In the Petition for Modification, ACE requested authority to modify pages 2 and 3 of Appendix A as referenced above.

UP and ACE have agreed to change the type of underpass bridge structure ACE plans to build at East End Avenue. The East End Avenue grade-separated highway-rail bridge structure proposed in this Petition for Modification will be similar to the redesigned bridge structure for the proposed Reservoir Street

grade-separated highway-rail crossing requested in ACE's Amendment to Application of A.02-05-050. The proposed bridge structure plans at both East End Avenue and Reservoir Street will provide adequate room for the future construction of additional railroad tracks by UP. UP further stated that the railroad's system-wide standards specify, at a minimum, the construction of double-track bridges on all grade-separated highway-rail crossings. ACE further stated that it would sequence the construction projects of the East End Avenue and Reservoir Street grade-separated highway-rail crossings to minimize vehicular traffic detours. ACE also stated that both the East End Avenue and Reservoir Street construction projects would use the same UP bypass track as a detour. The Commission's Consumer Protection and Safety Division - Rail Crossings Engineering Section (RCES) staff is in agreement with ACE's proposal.

For the grade-separation project approved in D.02-05-041, ACE was the lead agency for environmental review under the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et. seq. The Commission was a responsible agency under CEQA.

In D.02-05-041, the Commission found that ACE reasonably determined that the project was exempt from CEQA pursuant to Public Resources Code Section 21080.13, which exempts from CEQA review "Any railroad grade separation project which eliminates an existing grade crossing or which reconstructs an existing grade separation." We find this modification of the original project is similarly exempt from CEQA pursuant to Section 21080.13.

RCES staff inspected the proposed project site, has reviewed ACE's request, concurs with the proposed modifications, and recommends that the Commission grant the Petition for Modification.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

### **Assignment of Proceeding**

Richard Clark is the assigned Examiner in this proceeding.

### **Findings of Fact**

1. The Petition for Modification of D.02-05-041 was published in the Commission's Daily Calendar on May 16, 2003. No protests have been received. A public hearing is not necessary.

2. The Commission granted ACE authority, under Public Utilities Code Section 1201-1205, by D.02-05-041, dated May 16, 2002, to perform the following across UP's adjacent Los Angeles Subdivision and Alhambra Subdivision main line tracks in Pomona, Los Angeles County:

- Construct the proposed East End Avenue grade-separated highway-rail crossing as indicated in A.01-10-016 and in plans attached to Appendix A of D.02-05-041.
- During the period of construction, ACE may close and abandon the existing East End Avenue at-grade highway-rail crossings.
- Upon completion of the proposed East End Avenue grade-separated highway-rail crossing and its opening to vehicular traffic, ACE, in cooperation with UP and City, shall close and physically remove the existing East End Avenue at-grade highway-rail crossings, CPUC Crossing No. 3-33.50 (Los Angeles Subdivision) and B-515.90 (Alhambra Subdivision).
- Clearances shall conform to General Order (GO) 26-D. Walkways shall conform to GO 118.

3. The revised general plan and typical section plans for the proposed East End Avenue grade-separated highway-rail crossing bridge structure differ from the plans originally attached to A.01-10-016. The revised bridge structures at both the proposed Reservoir Street grade-separated highway-rail crossing, as specified in the Amendment to Application of A.02-05-050, and the proposed East End Avenue grade-separated highway-rail crossing, as specified in the Petition for Modification of D.02-05-041, will provide adequate room for the future construction of additional railroad tracks by UP. The revised plans are consistent with UP's system-wide standards which specify, at a minimum, the construction of double-track bridges on all grade-separated highway-rail crossing projects.

### **Conclusions of Law**

1. In D.02-05-041, the Commission determined that the grade-separation project was exempt from CEQA pursuant to Public Resources Code Section 21080.13.

2. The proposed modification to the grade-separation approved in D.02-05-041 is also exempt from CEQA pursuant to Public Resources Code Section 21080.13.

3. ACE's request to modify D.02-05-041 should be granted as set forth in the following order.

**IT IS ORDERED** that Decision (D.) 02-05-041 shall be modified as follows:

1. Alameda Corridor – East Construction Authority (ACE) is authorized to construct East End Avenue grade-separated highway-rail crossing under the tracks of Union Pacific Railroad Company's (UP) adjacent Los Angeles Subdivision and Alhambra Subdivision main lines in the City of Pomona, Los Angeles County, at the location and substantially as shown by plans attached to

the Petition for Modification and Appendix of this order, identified as CPUC Crossing No. 3-33.50-B (Los Angeles Subdivision) and B-515.90-B (Alhambra Subdivision).

2. The authorization in ordering paragraph 1 of D.02-05-041 to construct East End Avenue grade-separated highway-rail crossing under the tracks of UP's adjacent Los Angeles Subdivision and Alhambra Subdivision main lines in Pomona, Los Angeles County, at the location and substantially as shown by plans attached to Application (A.) 01-10-016 and Pages 2 and 3 of Appendix A of D.02-05-041, is revoked.

3. Within 30 days after completion of the work under this order, ACE shall notify the Commission's Rail Crossings Engineering Section in writing, by submitting a completed standard Commission Form G (Report of Changes at Highway Grade Crossings and Separations) of the completion of the authorized work.

4. In all other respects, D.02-05-041 shall remain in full force and effect.

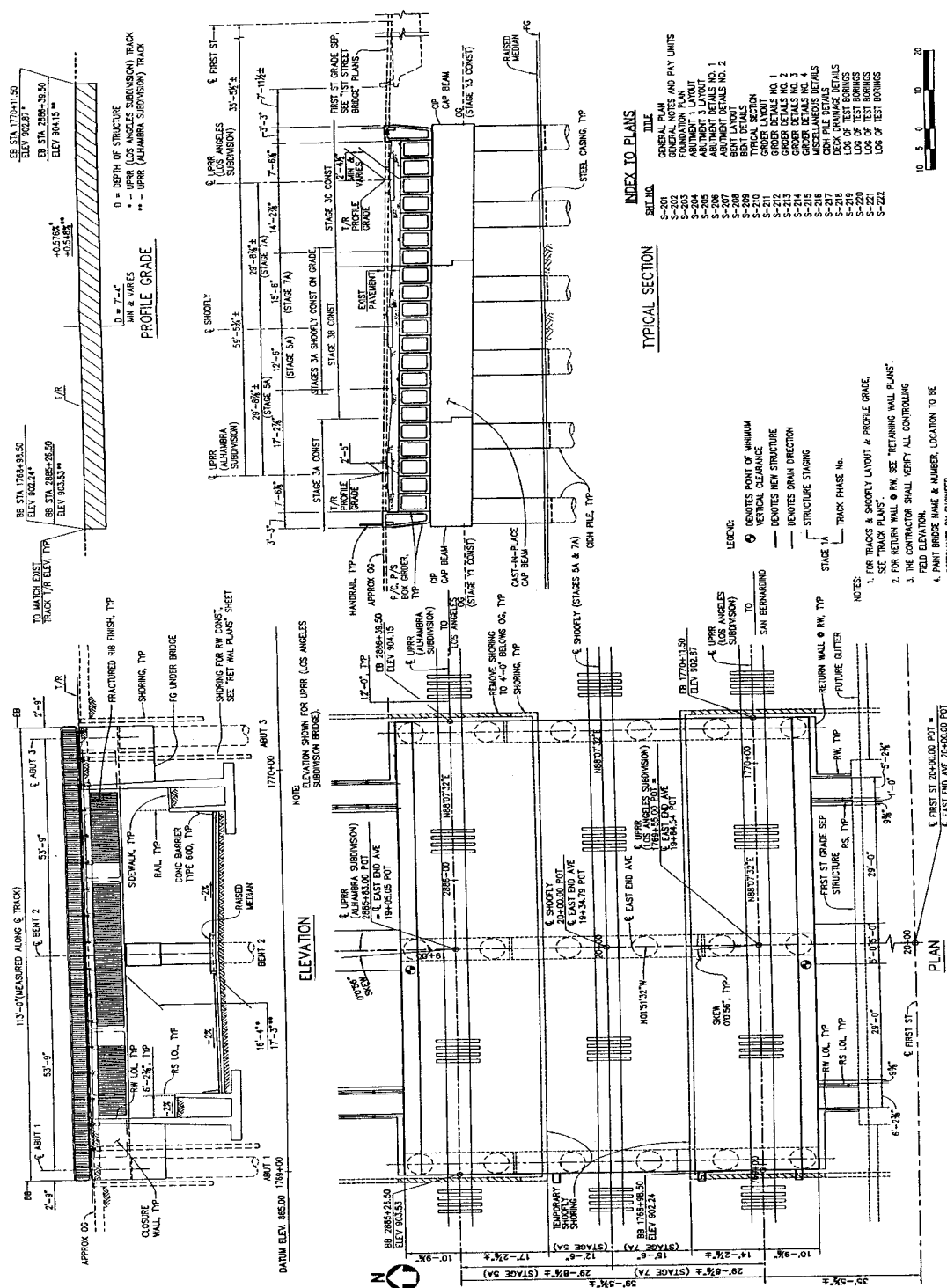
5. The Petition for Modification is granted as set forth above.

6. A.01-10-016 is closed.

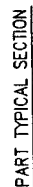
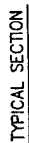
This order becomes effective 30 days from today.

Dated \_\_\_\_\_, at San Francisco, California.

## APPENDIX PLANS



**ALAMEDA CORRIDOR - EAST  
CONSTRUCTION AUTHORITY  
EAST END AVENUE GRADE SEPARATION PROJECT  
ALHAMBRA-SUB MP-516 LA-SUB MP-34  
GENERAL PLAN**



**ALAMEDA CORRIDOR - EAST  
CONSTRUCTION AUTHORITY**  
EAST END AVENUE GRADE SEPARATION PROJECT  
ALHAMBRA-SUB MP-516 LA-SUB MP-34  
TYPICAL SECTION